THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4090 of 2007

Date: 12.03.2007

Between:

D.Venkata Krishna Murthy

....Petitioner

and

The Sub-Registrar, Gudur & another.

....Respondents

O R D E R:

The petitioner claims to be the owner of the land admeasuring Acs.20.30 cents in Sy.Nos.4-1, 4-3, 4-4, 4-5 and 137-1, 1-1, 1-3, 1-4, 1-5, 1-6 and 1-7 of Guruvindapudi Village, Manubolu Mandalam, Nellore District. He purchased it under two registered documents, dated 19.04.2006 and 22.01.2005. He is also the owner of another extent of land admeasuring Acs.17.09 cents in Sy.Nos.330, 331, 355, 615, 616, 317/B3, and 317/B5 of Kommapudi Village, Manubolu Mandalama, Nellore District and the same was purchased under a registered document, dated 19.04.2006. The name of the petitioner is also said to have been entered in revenue records.

The petitioner intended to sell the properties in favour of one Jaya Shanker Reddy. With a view to ascertain the particulars and the amount of stamp duty and registration charges to be paid on the transaction, the petitioner had approached the first respondent for necessary information. It is stated that the first respondent informed the petitioner that the transaction cannot be registered in view of communication received by him from the office of the Sub-Collector, Gudur, dated 28.10.2006. He seeks a declaration that the action of the respondents in not receiving the documents for registration in respect of the said lands as illegal, arbitrary and necessary directions in this regard.

Heard the learned counsel for the petitioner and the learned Government Pleader for Revenue.

The petitioner claims title in respect of the lands referred to above. According to the information received by the first respondent from the second respondent, the lands in those survey numbers have been assigned by the Government in favour of landless poor. Section 5 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 prohibits the registration of documents in respect of the assigned lands. It is not known as to whether the petitioner was aware of the factum of the lands being assigned. Even assuming that there is any serious dispute as to the identity or nature of the lands, the necessity for the first respondent would arise, if only any document is presented for registration. In case the first respondent finds that the registration cannot be effected, he has to pass written orders as provided for under Section 71 of the Registration Act (for short 'the Act'). An aggrieved party would be entitled to avail the remedy under Section 72 of the Act by way of appeal.

Hence, the writ petition is disposed of, directing that

(a) it shall be open to the petitioner to present the sale deeds for the properties proposed to be sold by him before the first respondent;

(b) the first respondent shall receive the same and process it in accordance with law;

(c) in case he finds that the documents cannot be registered for any reason, he shall pass written orders disclosing the reasons and communicate the same to the petitioner; and

(d) in which case, it shall be open to the petitioner to

canvass his remedies as provided for under the Act.

There shall be no order as to costs.

_____

12.03.2007

kdl